

**TOWN OF DAVIE  
OPEN SPACE ADVISORY COMMITTEE (OSAC)  
MONDAY, APRIL 25, 2011 – 7:30 P.M.  
ROBBINS LODGE, MAIN HOUSE  
4005 HIATUS ROAD, DAVIE, FLORIDA**

**MEMBERS PRESENT**

Kathy Cox, Chair  
Linda Greck, Vice Chair  
Wayne Arnold  
Donald Burgess  
Donna Evans  
Christine Pellicane (arr. 7:42 p.m.)  
Mark Sierens  
Toni Webb

**MEMBERS ABSENT**

**STAFF AND GUESTS PRESENT**

Phillip Holste, Program Manager  
Amanda Lebofsky, Prototype, Inc.

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**1. ROLL CALL**

Chair Cox called the meeting to order at 7:36 p.m. Following a roll call, it was determined a quorum was present.

Mr. Sierens introduced himself, noting he is a South Florida native, but has only been in Davie for a short time. He said he is familiar with the area, though, and is also an equestrian.

**2. SELECTION OF CHAIR**

Chair Cox opened the floor for nominations for Chair.

**Nomination** by Mr. Arnold, seconded by Ms. Webb, to nominate Chair Cox for Committee Chair.

**Motion** by Mr. Arnold, seconded by Ms. Webb, to close the nominations for Chair. In a voice vote, the **motion** passed unanimously.

### **3. SELECTION OF VICE CHAIR**

Chair Cox opened the floor for nominations for Vice Chair.

**Nomination** by Mr. Arnold, seconded by Ms. Webb, to nominate Vice Chair Greck for Vice Chair.

**Motion** by Mr. Arnold, seconded by Ms. Webb, to close the nominations for Vice Chair. In a voice vote, the motion passed unanimously.

### **4. APPROVAL OF MINUTES**

#### **4.1 March 28, 2011 Minutes**

Ms. Pellicane arrived at 7:42 p.m.

Mr. Holste requested the following changes:

- Keith "Purcell" should be "Pursell" throughout.
- On p. 2, where Chair Cox says "right of way," he thought it should say "good right of way."
- P. 2 (middle), "Broward Drainage Board" should be "Central Broward Water Control District."
- P. 3, 2<sup>nd</sup> paragraph, Mr. "Stewart" should be "Steward."

Chair Cox asked to change "stay on the side of the road" to "stay on the side of Peaceful Ridge Road" in the 4<sup>th</sup> paragraph on p. 3.

Mr. Holste also requested the following changes:

- P. 3, 6<sup>th</sup> paragraph, should say "Lychee Wood, Plat 157-40B," instead of "Lychee Wood, Spot 157-40B."
- P. 4, 2<sup>nd</sup> paragraph, delete the second utterance of "US 27."
- P. 4, 4<sup>th</sup> paragraph, change "gate at 26<sup>th</sup> Street" to "gate at Southwest 26<sup>th</sup> Street."
- P. 4, 6<sup>th</sup> paragraph, "Central Broward Water Management District" should be "Central Broward Water Control District."
- P. 4, 6<sup>th</sup> paragraph, "South Florida Water District" should be "South Florida Water Management District."
- P. 5, 2<sup>nd</sup> paragraph, "gate on 36<sup>th</sup> Street" should be "gate on Southwest 36<sup>th</sup> Street."
- P. 6, 4<sup>th</sup> paragraph from the bottom, "ride out on 32nd Street" should be "ride out on Southwest 32<sup>nd</sup> Street."
- P. 10, 1<sup>st</sup> paragraph under New Business, "Oaks Road" should be "Oakes Road."

Ms. Pellicane brought up the wording of the motion in the 3rd paragraph on p. 7, noting that the middle option was not clear. There was a short discussion of how it should read and Mr. Holste said he would listen to the tape and report back at the next meeting. Mr. Holste pointed out that the second option was clearly stated on p. 6, 2<sup>nd</sup> paragraph.

Ms. Pellicane also mentioned that on p. 6, 4<sup>th</sup> paragraph up from the bottom, the wording seems to lead to a fourth option. She thought it would make more sense if the last sentence in the paragraph read, "Mr. Holste pointed out that Ms. Pellicane was discussing something that could lead to either the first or second option."

**Motion** by Mr. Burgess, seconded by Mr. Arnold, to table approval of the March 28, 2011, minutes until the next meeting. In a voice vote, the motion passed unanimously.

## **5. LIAISON UPDATE**

Mr. Holste brought up blocking of the trail on the west side of Flamingo Road. He talked about the matter with Councilmember Starkey and believed that it was due to something the HOA did, and he will contact them tomorrow. Chair Cox explained what had happened: someone had put a chain across the trail and put "No Trespassing" signs up with the Davie Police Department phone number on it. This was at Golden Shoe plat (at Imagination) just south of Julie Akins' property on the trail that goes south on Flamingo Road. Chair Cox spoke with the Police Department and the Park Rangers and there was a Public Works order done to cut the chain off. She thought the homeowners were having trouble with "kids" pulling into Ms. Akins' property, and then going off on the canal bank to party around the lake. At some point, there may need to be some kind of fence put in there.

Mr. Burgess wondered if a step over fence would be a problem with access for the Central Broward Water Control District maintenance vehicles. Chair Cox replied that it might and what is sometimes done is put an open/close gate or put the step-over to the side. Chair Cox said she is not sure of the solution, but has a call in to Mr. Crowley.

**Arrowhead Golf Course:** Mr. Holste reported that an RFP had gone out for golf course management and seven responses have been received. They are currently in the process of evaluating those bids, and the Town Council will then consider Parks and Recreation's recommendation next month. Hopefully it will be run entirely by a vendor, without any in-house involvement in the operations.

**Sunny Lake Bird Sanctuary:** Mr. Holste said there is a lot of activity going on there as the workers are trying to meet a deadline to complete the recreational amenities by the end of this month. The amenities include putting in the exercise stations, parking lot, trail, picnic pavilion, and the park.

**C-11 Equestrian Culvert:** He said Public Works is working on the schedule for the C-11 culverts, the United Ranches Bridge over the C-11 canal, and a project for the Southwest 14<sup>th</sup> Street Trail running from 130<sup>th</sup> to Bright Road. He will provide the schedule at the next meeting for discussion.

**N-20 Canal:** There is no right of way available in front of the properties, specifically the Lychee Woods plat properties. Easements will need to be obtained from all the property owners along SW 118<sup>th</sup> Terrace in order to use that portion for the trail. The utility easements with properties on the north and south ends of Southwest 118<sup>th</sup> Terrace are there for underground utilities. Not only would easements have to be obtained from property owners, but permission would also have to be obtained from the utility companies that hold the easements to install an asphalt trail over their buried conduit or pipes.

Mr. Holste added that the consultant is preparing an estimate for filling the canal, and will be completed in the next few weeks. Chair Cox noted that means that the "go-around" is probably not doable.

Chair Cox commented that she had spoken to Councilmember Starkey about the easement to the trail going to Bright Road, and Councilperson Starkey mentioned something about getting Central Broward to enforce the rule regarding not putting anything on the easement. Mr. Holste thought that Central Broward does not enforce that rule and in many cases, it does not impact the Town's operations. Typically it falls upon the Town to get rid of an encroachment. He has heard of several encroachments, and will ask Mr. Pursell for more details and an update.

Vice Chair Greck remarked that some people have very elaborate decks and gardens on 14<sup>th</sup> west of Hiatus, encroaching easements in particular areas. She wondered if those people know before building what type of access they have. Mr. Holste said they have sent out letters to residents of Scarborough so it will not be a surprise when the Town proceeds with work there.

## **6. OLD BUSINESS**

### **6.1 Draft Declaration of Restrictive Covenants – Robbins Park**

Ms. Evans said she had removed parts in the draft regarding new facilities. Everything as far as stables go was covered previously. She declared there was no reason to put anything else there, except for a stable. Ms. Webb agreed with Ms. Evans' proposal to eliminate all new structures. Ms. Evans noted that the Declaration does allow for expansion of existing facilities.

Mr. Arnold wondered if there was an out in case the Town Council decided they wanted to build something in the future. Ms. Evans pointed out that the Town Council can make changes by a 4/5 (super) majority vote.

Chair Cox was curious what would happen if the caretaker's house burned down, and Ms. Evans said that would not be considered "new construction," but rather an existing building, so it could be rebuilt. Expansion is allowed, but within the existing footprint. Vice Chair Greck questioned the expansion within the existing footprint, and thought they should have a limit pertaining to renovation or rebuild.

Chair Cox referred to the p. 3 of the draft, noting they were discussing taking out the sentence about New Buildings and Structures. Ms. Evans added they would also take out the sentence after that which begins with "Any new buildings or structures are limited to impervious surface area of 3,000 square feet..." and add the gist of that sentence to the first sentence, e.g., "not to exceed 3,000 square feet."

Mr. Holste said they have to be careful, because the structure might be nonconforming, and in the case of rebuilding, would have to make it smaller. He also suggested structuring the square footage wording for the entire facility so that there could be a cap on how much additional square footage could be added (which would also cover improvements.) Chair Cox suggested using the 3,000 square foot number as a total allowable for the entire site.

Mr. Holste recommended adding a height restriction. Vice Chair Greck said that might make it difficult to put in a windmill or stable. She said they have to consider every type of structure when setting height restrictions. Ms. Evans thought all farming (agricultural) structures would be exempt from a height restriction. Mr. Burgess suggested adding the windmill to the list of acceptable structures. It was noted that that might also allow windmills (turbines) that generate electricity.

Chair Cox recapped that they are good with #3 unless they want to insert something about square footage.

There was a brief discussion about using the word “reasonable” in relationship to building size, expansion and height restrictions. Mr. Sierens wondered about the effect of population expansion and future facilities in the Park.

**Motion** by Mr. Burgess, seconded by Ms. Webb, to amend Section #3 starting with the sentence that begins, “Acceptable buildings...” The sentence would read, “Acceptable buildings and structures include, but are not limited to, picnicking facilities, gazebos, restrooms, stables and a single windmill. Any new buildings or structures are limited to a combined impervious surface area not to exceed 3,000 square feet.” Ms. Webb asked Mr. Burgess if he would consider adding “improvements or enlargements” to his motion, and when he replied “no,” she withdrew her second. Mr. Sierens then seconded Mr. Burgess’ motion. In a roll call vote, the motion passed (5-3) as follows: Chair Cox, yes; Vice Chair Greck, yes; Mr. Arnold, yes; Ms. Webb, no; Ms. Pellicane, no; Mr. Burgess, yes; Ms. Evans, no; Mr. Sierens, yes.

It was noted that the improvements were already mentioned in the document.

Mr. Arnold offered an **amendment** to increase the number of square feet to 5,000 square feet (combined). Mr. Sierens seconded the amendment to the motion. In a vote by show of hands, the amendment failed (2-6) as follows: Mr. Arnold, yes; Mr. Sierens, yes; Chair Cox, no; Vice Chair Greck, no; Ms. Pellicane, no; Mr. Burgess, no; Ms. Evans, no; Ms. Webb, no.

Ms. Pellicane wondered if the motion included repairs/improvements to current footprints in the 3,000 square feet, and Mr. Burgess said that it would just apply to new structures. He added that it also would include the stables and other agricultural structures. Vice Chair Clark noted that the flooring could be considered pervious. Mr. Burgess remarked that the roof keeps the water from going onto the floor surface and it then becomes an impervious surface.

Chair Cox clarified that there is no stable at this point, nor is there one under construction, but the property lends itself to that type of structure.

Vice Chair Greck wondered if it would be possible to add language into Mr. Burgess’ motion to restrict height on buildings, but not necessarily on agricultural structures. Mr. Holste noted that buildings are typically four walls and a roof. Stables would technically not be a building, but a structure. There was discussion about inserting a height restriction in the motion. Most members thought that 20’ was a reasonable height restriction.

**Motion** by Vice Chair Greck, seconded by Ms. Webb, to add a sentence limiting the height of any new non-agricultural structures to 20 feet. (This motion was not voted on and was later restated.)

Ms. Webb suggested amending the motion to add the word “modified” non-agricultural structures. The Committee agreed by unanimous consensus to add that wording to Vice Chair Greck’s motion.

Ms. Evans wondered why the word “new” had to be in the motion at all.

Vice Chair Greck restated her motion as follows:

**Motion** by Vice Chair Greck, seconded by Ms. Webb, to restrict any new or modified non-agricultural structure to a height of 20 feet. In a roll call vote, the motion passed unanimously (8-0) as follows: Chair Cox, yes; Vice-Chair Greck, yes; Mr. Arnold, yes; Ms. Webb, yes; Ms. Pellicane, yes; Mr. Burgess, yes; Ms. Evans, yes; Mr. Sierens, yes.

Mr. Holste wondered if they should also restrict agricultural structures, such as a silo. It was noted that there is not much silage in Davie due to the moisture.

Mr. Holste asked the Committee if they want to approve the Declaration of Restrictive Covenants for Robbins Park now, or wait until they have the new language in it.

By consensus, the Committee decided to approve it at this meeting.

**Motion** by Mr. Burgess, seconded by Ms. Webb, to approve the Declaration of Restrictive Covenants as currently amended for Robbins Lodge Park in the Town of Davie. In a vote by show of hands, the motion passed unanimously.

Mr. Arnold wondered what they would do if they did not agree with the version brought back to them by the Assistant City Manager. Chair Cox said they could make an amendment at the next meeting.

Vice Chair Greck asked that the motion include the verbiage “as amended.”

## **6.2 Draft Declaration of Restrictive Covenants – Flamingo Road Open Space**

Mr. Holste said there are two basic parcels: two that he combined into one parcel on 26<sup>th</sup> Street (the southeast and northeast corner of Flamingo Road and 26<sup>th</sup> Street), and one on the southeast corner of 14<sup>th</sup> Street and Flamingo Road.

Vice Chair Greck noted that the northeast corner of Flamingo Road and 26<sup>th</sup> Street is considered Owls Lookout Park.

Mr. Burgess remarked that he had forgotten about the Owls Lookout Park, and was still trying to get a dog park in somewhere. Mr. Holste said the dog park was planned at Devine Parcels, and was still going through permitting with Central Broward.

Mr. Burgess noted that Item #1 (b) is different (the dog park language), but everything else is pretty much the same as it was. Vice Chair Greck asked what the water facility consisted of, and Mr. Burgess informed her it was for drinking water for the dogs.

Mr. Burgess suggested striking Item #1 (b). It was noted that the site at 14<sup>th</sup> Street might make a nice site for a dog park. Chair Cox suggested instead of striking item (b), put the following verbiage in Item #1 (b): “Dog park uses and support facilities may be considered on the SW 14<sup>th</sup> Street site. Uses include but are not limited to...” and then continue with the same as written.

Mr. Burgess said he did not recall making any changes in Item #1, except for the dog park. Nobody had objections to Items #2 or #3, which were mostly boiler-plate language. Ms. Webb asked about the “right of access” in Item #4, and Chair Cox said that the Town Council may choose to close the park at a certain time, and that item speaks to who has that jurisdiction to restrict the access.

Vice Chair Greck wondered if there were any light restrictions within the park, and Mr. Holste remarked that that could be addressed in Item #2 (a). Chair Cox had reservations about adding restrictions as long as it complied with the Town’s requirements. Mr. Sierens said that in a dog park there has to be lighting so the dogs do not get aggressive as darkness falls. Ms. Webb suggested saying that the lighting would comply with whatever ordinances exist in the Town. Ms. Pellicane noted that the lights from Flamingo Road spill over anyway, so additional lighting may be a moot point.

**Motion** by Mr. Burgess, seconded by Ms. Pellicane, to approve the Declaration of Restrictive Covenants for Flamingo Road Open Space parcel in the Town of Davie as amended. In a vote by show of hands, the motion passed unanimously.

### **6.3 Draft Declaration of Restrictive Covenants – Oak Hill Park**

Chair Cox noted this is the 10 acre equestrian park on Southwest 130<sup>th</sup> Avenue.

Mr. Burgess said that after visiting the site, he added verbiage to the document that he thought might be appropriate for equestrian uses.

Chair Cox and several others agreed they could eliminate “tack sheds” in Item #1 (b), as they are not needed at a public facility.

Ms. Webb noted that there are many birthday parties there, which are accompanied by balloons. She said horses and balloons are not a good combination, and there should be a restriction on the mailbox and front gate posts. Chair Cox agreed and said that is a policy issue. Mr. Holste said he would bring that issue up to Mr. Andresky. Ms. Webb declared that people who rent the facility for parties are renting the pavilion, not the front gate and mailbox. Mr. Arnold suggested that the Parks and Recreation Department give people an explanation, not just a statement.

Chair Cox wondered about dividing the park into two sections, and Ms. Webb said it would probably suffice just to notify the patrons that they have rented the pavilion only.

Chair Cox asked if anyone wanted to add anything to the playground area or equestrian area. Ms. Pellicane wondered about mounting blocks.

A question was raised about the meaning of “best management practices.” Chair Cox said it has to do with drainage and manure removal. Mr. Burgess commented that it is standard language. Mr. Holste said that it does refer to drainage (the building of a proper drainage system that treats the storm water as it goes into the system) and manure. Mr. Holste explained the concept of “best management practices.”

**Motion** by Vice Chair Greck, seconded by Ms. Pellicane, to approve the Declaration of Restrictive Covenants for Oak Hill as amended. In a voice vote, the motion passed unanimously.

Ms. Pellicane asked about the definition of a “nuisance tree,” and Mr. Holste said it would probably be a tree that was damaged somehow and might be in danger of falling. Ms. Pellicane added maybe it is one that drops fruit or has thorns.

## **7. NEW BUSINESS**

Mr. Burgess announced that Liberty Park is re-opening. Mr. Holste added that there will be a Grand Re-Opening the coming Thursday at 3:00 p.m.

## **8. SUBCOMMITTEE REPORTS**

Vice Chair Greck asked Mr. Holste what has happened with the new trail guides project. Mr. Holste replied there has not been a lot of progress due to staff shortages. Chair Cox suggested “rattling the cage” in three months.

## **9. AGENDA ITEMS FOR NEXT MEETING**

Mr. Holste said that Mr. Pursell would be ready with the back filling cost estimates for the next meeting.

Chair Cox said they would discuss the N-20 back filling, and Mr. Burgess suggested the DRC plan for Pine Island Park.

Mr. Holste said he will also ask for the schedule for the C-11 culvert, C-11 bridge, and the Southwest 14<sup>th</sup> Street Trail. It could be discussed as an agenda item or under his Liaison Report. It was decided to have those items in Mr. Holste’s Liaison Report.

Vice Chair Greck wondered if the draft for the Pine Island Park DRC would be similar to the ones they worked on at this meeting, and Mr. Holste said that the Committee could use the ones passed today as a starting point.

Chair Cox thought maybe they could divide it into sections/areas. The Park has a Public Works facility, a maintenance building on the south side, equestrian area on the southwest corner, the Oak Hammock area which needs to be preserved, totally active areas, and two community buildings. Mr. Holste suggested carving out the Oak Hammock area, but had reservations about getting too specific on all of the other areas. Vice Chair Greck liked the idea of carving the areas up to help them decide which areas to address.

Mr. Burgess asked if Mr. Holste could provide an aerial photo of Pine Island Park. Chair Cox wanted to make sure the equestrian trail is preserved.

## **10. COMMENTS AND/OR SUGGESTIONS**

Ms. Webb said she was confronted by one of her neighbors who was very upset that the entrance to the Van Kirk property is projected to be at the end of their street. She suggested that the entrance could be somewhere else, such as on the corner of 136<sup>th</sup> and 26<sup>th</sup> Street. If there had to be another entrance on 136<sup>th</sup>, it should not line up with a residential street, or the residential street would become the entrance. She said it would be better if it were in between residential streets.



Mr. Holste remarked that every site plan he has seen has the entrance coming off 136<sup>th</sup> in the northwest corner. In terms of an entrance lining up with a particular street, he will have to defer to Mr. Pursell. He said other options may be entertained in the future.

Mr. Burgess thought that the reason that it was on 136<sup>th</sup> was that all the access for public development use would be north of the power lines, and south of that was 80 acres of wetland mitigation with trail around it. Mr. Holste said the Town is not certain when [unable to hear person speaking] is going to move forward, if ever. He added that the Town will need to find a balance and not everyone is going to be happy with the outcome.

Chair Cox mentioned that the Open Space welcome sign at Flamingo Road and 595 is overgrown. She asked if someone could take a look and trim the shrubbery.

Mr. Holste mentioned that there are two openings for the Committee, as Mr. Nasta and Mr. Lee resigned, and Mr. Greenbaum was removed for attendance. He stated that the requirement to be on the Committee is to be a registered voter – a person does not have to reside in the Town of Davie.

## **11. ADJOURNMENT**

**Motion** by Vice Chair Greck, seconded by Ms. Webb, to adjourn the meeting at 9:55 p.m.

[Minutes prepared by J. Rubin, Prototype, Inc.]